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EXAMINER	
LERNER, MARTIN	
ART UNIT	PAPER NUMBER
2626	
MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/626,050	DAVIS ET AL.	
	Examiner	Art Unit	
	MARTIN LERNER	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 July 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 to 2 and 4 to 6* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 to 2 and 4 to 6* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 1 to 2 and 4 to 6 are objected to because of the following informalities:

Independent claim 1 sets forth a limitation of “receiving at the device”, where it is not clear whether "the device" is referring to “a device serving as a bridge” or one of “a plurality of instant messaging devices participating in an instant messaging based conference”. It is suggested that Applicants amend their generic recitation of “a device serving as a bridge” to something more specific, *e.g.* “a speech processing device serving as a bridge”.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1 to 2 and 4 to 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Moore et al. (‘041)* in view of *Yu et al*.

Concerning independent claim 1, *Moore et al. (‘041)* discloses a method for responding to messages, comprising:

"providing a device [serving as a bridge between said teleconferencing system and said messaging system, the device being directly coupled between the teleconferencing system and the instant messaging system or coupled between the teleconferencing system and the instant messaging system via a data network], the device being configured to convert a speech input into a text message or a text message into a speech output" – intelligent media translator (IMT) 70 ("a device") receives speech signals, and a speech-to-text conversion process converts the received speech signals into corresponding textual information to provide the textual information ultimately to a messaging client, receives textual information, and a text-to-speech conversion process converts the received textual information into corresponding speech signals (Page 10: ¶[0104]: Figure 1); gateway system 50 includes intelligent chat gateway 52 and voice-over-Internet Protocol (VoIP) gateway 54 (Page 8, ¶[0093]: Figure 1); intelligent chat gateway 52 ("said teleconferencing system") manages messaging communications among a plurality of parties (Page 2: ¶[0030], Page 8: ¶[0096]); managing communication among a plurality of parties is equivalent to "a teleconferencing system"; moreover, service provider system 30 may include, without limitation, conference call establishment (Page 7: ¶[0087]); instant messaging (IM) service 22 ("the instant messaging system") communicates instant messages through chat client 14 so that text instant messages can be exchanged in real time with one or more parties (Page 7, ¶[0077]- ¶[0082]: Figure 1);

"receiving at said device a speech input received by said teleconferencing system from a telephone connected to the teleconferencing system" – speech

information from a caller using telephone 62 is carried through PSTN 60, and is directed to speech-to-text module 74 at gateway system 50 (Page 10, ¶[0105]: Figure 1); gateway system 50 includes intelligent chat gateway 52 ("said teleconferencing system") (Page 8, ¶[0093]: Figure 1);

"transcribing the speech into a first text message by the device" – the packetized data stream is directed to speech-to-text module 74 of intelligent media translator 70 ("the device") to convert the received speech signals into a textual representation (Page 10: ¶[0105]: Figure 1);

"transmitting the first text message to a plurality of instant messaging devices participating in an instant messaging based conference managed by the instant messaging system" – the textual information may then be sent to a text chat interface of chat client 14, perhaps in the form of a typical chat message, via network 20 and perhaps involving IM service 22; an optional instant messaging sender 79a is depicted along connection 76 representing adaptation of the speech-to-text module 74 to carry on instant communications with chat client 14 (Page 10: ¶[0105]: Figure 1); a chat client 14 supports communications with one or more principals, and instant messaging through which text messages can be exchanged in real time with one or more other parties ("to a plurality of instant messaging devices participating in an instant messaging based conference") (Page 6: ¶[0075], Page 7: ¶[0082]);

"receiving at the device a second text message from any one among the plurality of instant messaging devices participating in the instant messaging based conference" – intelligent media translator (IMT) 70 may comprise a port for receiving textual

information from a messaging client (Page 10: ¶[0104]: Figure 1); chat client 14 may be implemented by or based upon well known instant messaging (Page 6, ¶[0075]: Figure 1);

"converting the second text message to a speech output" – intelligent media translator 70 comprises a text-to-speech conversion process for converting the received textual information into corresponding speech signals via a text-to-speech module 72 (Page 10: ¶[0103] - ¶[0104]: Figure 1);

"transmitting the speech output to a plurality of telephones participating in a teleconference managed by the teleconferencing system" – speech signals are sent through a communications medium, such as a telephone connection or RTP session, to a chat client 14 or telephone 62 (Page 10: ¶[0103] -¶[0104]: Figure 1); telephone 62 is connected through PSTN 60, so any speech output to telephone 62 must be through PSTN 60 from gateway system 50 ("the teleconferencing system").

Concerning independent claim 1, the only element not expressly disclosed by *Moore et al. ('041)* is a device "serving as a bridge between said teleconferencing system and said messaging system, the device being directly coupled between the teleconferencing system and the instant messaging system or coupled between the teleconferencing system and the instant messaging system via a data network". *Moore et al. ('041)* discloses all of a device being configured to convert a speech input into a text message or a text message into speech, a teleconferencing system, and an instant messaging system, but connects, or couples, them in a somewhat different way, insofar

as intelligent media translator 70 (“a device”) is coupled to intelligent chat gateway 50 (“said teleconferencing system”) via lines 75, 78, and intelligent chat gateway 50 (“said teleconferencing system”) is coupled to IM service 22 (“said instant messaging system”) via line 86, but intelligent media translator 70 (“a speech processing system”) is not clearly coupled to IM service 22 (“said instant messaging system”), and thereby does not serve as a bridge between the teleconferencing system and the messaging system. However, it is maintained that, in an absence of unexpected advantages, it is immaterial, and a question only of 'design choice', as to how all of the systems and subsystems are coupled together, and what is connected to what, as it is well known that functionalities may be distributed in an arbitrary manner within communication networks.

Concerning independent claim 1, moreover, *Yu et al.* teaches a method for wireless instant messaging, where a mobile station (MS), such as a cellular telephone, may be registered with an instant messaging (IM) server as being available to receive instant messages via an IM proxy. (Abstract) Exemplary IM client terminals 64, 66 are shown as personal computers. An IM server 68 coordinates or facilitates instant messaging between IM client terminals 64, 66. (Column 10, Lines 47 to 65: Figure 6) When mobile station (MS) 80 sends an instant message destined for an IM client, service node (SN) 70 receives the message, converts it to a form suitable for transmission to the destination IM client, and transmits the message to the destination IM client. (Column 12, Lines 49 to 57: Figure 6) SN 70 preferably includes IVRU (intelligent voice response unit) 100 functionality and text/speech conversion

functionality represented by blocks 100 and 102. Text/speech converter 102 allows SN 70 to convert between text messages and speech signals. (Column 13, Lines 23 to 46: Figure 7) Thus, SN 70 includes a functionality of "a device". Furthermore, *Yu et al.* says that, while communication has focused on communication of instant messages between a pair of users, communication could be facilitated to extend between three or more parties at once, thereby providing for real-time conferencing. To provide the functionality, a service node (SN) could serve as a conference bridge, maintaining a record of the parties to a conference and then multicasting instant messages between the conference participants. (Column 21, Line 62 to Column 22, Line 4) Thus, *Yu et al.* suggests "a teleconferencing system" at service node 70. Given that *Yu et al.* suggests both IVRU 100/text-to-speech converter 102 and a teleconferencing bridge are placed at a service node 70, then IVRU 100/text-to-speech converter 102 ("the device") is configured "serving as a bridge between" a conferencing bridge ("the teleconferencing system") and IM server 68 ("the instant messaging system"), and is "coupled directed between" them, insofar as IVRU 100/text-to-speech converter 102 is directly coupled to a conference bridge within a service node 70. *Yu et al.* teaches an objective of providing an instant messaging service in a wireless domain. (Column 7, Lines 39 to 50) It would have been obvious to one having ordinary skill in the art to utilize an architecture where an intelligent voice response unit and text/speech conversion device is coupled directly between a teleconferencing system and an instant messaging system as taught by *Yu et al.* in a message response system of *Moore et al. ('041)* for a purpose of providing an instant message service in a wireless domain.

Concerning claim 2, *Moore et al. ('041)* discloses a profile is maintained for a given user as a preference as to how synthesized speech presented to him is rendered ("personalized voice output at the telephones"); aspects of speech rendering include whether a male or female voice is preferred, approximate speaker age, vocal characteristics, inflection, and local dialect ("a simulated voice print of the user") (¶[0113] : Figure 1).

Concerning claims 4 and 5, *Moore et al. ('041)* discloses that in the course of converting speech and other audible signals into corresponding symbols or text, IMT 70 may also perform translation among different spoken and written languages, for example, converting English text to Spanish speech and vice-versa; language preferences or compatibilities of one or both of the parties may be known or maintained in a profile database or expressed by devices ("is specified by a profile associated with said identified user"); implicitly, a user is identified in order to be associated with a profile ("identifying a user associated with said telephone"). (Page 11: ¶[0112])

Concerning claim 6, *Moore et al. ('041)* discloses that, after the packetized data stream is converted into a textual representation by speech-to-text module 74, the textual information is then sent via network 20 ("transmitting a text stream"). (Page 10: ¶[0105]: Figure 1)

Response to Arguments

4. Applicants' arguments filed 29 July 2008 have been considered but are moot in view of the new grounds of rejection, necessitated by amendment.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to Applicants' disclosure.

Coles et al. ('404) discloses related art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Martin Lerner whose telephone number is (571) 272-7608. The examiner can normally be reached on 8:30 AM to 6:00 PM Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

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If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Martin Lerner/
Primary Examiner
Art Unit 2626
August 18, 2008